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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,969	09/09/2003	Michal Hlavac	INGEENI-1	4000

7590 09/14/2005

Mark J. Pandiscio  
Pandiscio & Pandiscio, P.C.  
470 Totten Pond Road  
Waltham, MA 02451-1914

EXAMINER
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HAJNIK, DANIEL F

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/658,969	HLAVAC ET AL	
	Examiner	Art Unit	
	Daniel F. Hajnik	2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because figures 36-39 are difficult to read and some details within the figures are unreadable. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Virtual Character and Virtual Environment Utilizing Behavior States, Emotion States, and Learning States".

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Roseborough et al. (US Patent 6141019).

As per claims 1 and 2, Roseborough teaches the claimed "virtual environment", the claimed "plurality of virtual elements ... each of said virtual elements being capable of interacting with other of said virtual elements within the virtual environment", and the claimed "user controls for enabling a user to interact with at least one of said virtual elements" by stating "Noted in FIG. 1, the major components of environments 22 include a virtual backdrop 106, static objects 108, and dynamic objects 110. Of course, other components may easily be envisioned and implemented for use in environments 22" (col 17, line 66 – col 18, line 3) and by stating "A synthetic creature 10 can play with a ball dynamic object 110 either on its own or with its user" (col 18, lines 43-45). Roseborough teaches one example of user controls by using a mouse (col 18, lines 46-49).

Roseborough teaches the claimed "virtual character comprising a behavior state, an emotion state and a learning state ... capable of changing in response to (i) interaction with other virtual elements within the virtual environment, and/or (ii) commands from said user input controls; and wherein said virtual environment is configured so that additional virtual elements can be introduced into said virtual environment" by stating "Environments 22 are the particular physical and visual characteristics of surrounding space, including constraining surfaces such as floor and walls, distributed materials such as air and water ... into which a synthetic creature 10 may be placed" (col 17, lines 50-55). In addition, Roseborough states "Behaviors 20 are how users ultimately perceive the composite activities of a synthetic creature 10. An example of a behavior 20 might be a synthetic creature 10 chasing a ball" (col 14, lines 50-52), states "a synthetic creature 10 with extensive learning capabilities" (col 15, line 8), states "personality preference variables" (col 16, line 13), and states "the independent behaviors 20 are used to control things such as ... emotional state" (col 16, lines 44-46).

As per claim 3, Roseborough teaches the claimed "wherein said virtual character further comprises a sensory capability for sensing other virtual elements within said virtual environment" by stating "A synthetic creature 10 can play with a ball dynamic object 110 either on its own or with its user. It can nudge a ball into motion and chase it, running in front of and behind it as needed. Or it can chase a ball moved by a user" (col 18, lines 43-45). By having a synthetic character (virtual character) interact with a

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dynamic ball object, the character would have to have a sensory capability to detect the balls location and movement.

As per claim 4, Roseborough teaches the claimed "wherein said sensory capability is configured to sense the presence of other virtual elements within said virtual environment" for the same reasons and rationale stated in the claim 3 above. In addition, Roseborough teaches other synthetic creatures can also be virtual elements which are sensed (col 18, lines 48-49).

As per claim 5, Roseborough teaches the claimed "wherein said sensory capability is configured to sense the motion of other virtual elements within said virtual environment" for the same reasons and rationale stated in the claim 3 above.

As per claim 6, Roseborough teaches the claimed "wherein said sensory capability is configured to sense a characteristic of other virtual elements within said virtual environment" by stating "Similarly, a first synthetic creature 10 can interact with other synthetic creatures 10 in an environment 22" (col 18, lines 48-49) and Roseborough teaches that these interactions can have many different characteristics such as audible interaction or odor (col 18, lines 49-55).

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**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Please see form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel F. Hajnik whose telephone number is (571) 272-7642. The examiner can normally be reached on Mon-Fri (8:30A-5:00P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka J. Chauhan can be reached on (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Daniel F. Hajnik* 8/30/05

DFH

*Ulka J. Chauhan*  
**ULKA J. CHAUHAN**  
**PRIMARY EXAMINER**